

CLARA WROBLISKI

MAY 21 (legislative day, MAY 15), 1942.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 2191]

The Committee on Claims, to whom was referred the bill (S. 2191) for the relief of Clara Wrobliski, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

On page 1, line 6, strike out the figures "\$5,584.20" and insert "\$2,334.20".

The bill, as amended, provides for the payment of \$2,334.20 to Clara Wrobliski, of Salem, Oreg., in full settlement of all claims against the United States for personal injuries sustained on July 27, 1941, when the car which she was driving struck a partially open traffic-control gate in the Siuslaw National Forest, State of Oregon.

The gate, which had been erected by the Forest Service for the purpose of controlling traffic, consisted of a fir pole, light in color, approximately 32 feet long, 8 inches in diameter at the large end, 2 inches at the small end, balanced on a 9-inch pivot post, and held in position by a five-eighths-inch iron drift pin. The post on the opposite side of the road was equipped with chain and padlock for fastening the gate pole in the closed position. No provision was made for holding the gate pole in the open position, but the friction was sufficient to prevent easy movement. No work was performed on the road on Sundays, the practice during the summer months was to permit the guard employed by the city of Corvallis, Oreg., for patrolling the Mary's Peak watershed area on week ends to open and close the gate (pole) on these days. On the morning of the accident the gate pole was opened by the watershed guard in the usual manner and careful investigation failed to disclose how it came to be moved from a fully open position to a partially closed position. At the time of the accident the gate pole was pointing diagonally across the road in the direction from which the claimant's car approached. Mrs. Wrobliski, whose attention apparently was attracted by a sign on the right side

of the road, failed to see the gate pole in its partially opened position and drove directly into it, the pole crashing through the windshield and striking her in the face and right eye. This accident resulted in the loss of claimant's right eye, other facial injuries, and injury to her left hand. None of the other occupants of the automobile was injured in the accident.

The Department admits liability on the part of the Government for the accident. The Assistant Secretary states:

* * * it seems clear that the accident resulted from a failure of the Forest Service to make provision for fastening the gate pole safely in a fully open position and that the Government should accept responsibility for the hazardous condition.

The evidence indicates that claimant had an automobile accident insurance policy, which provided for reimbursement for medical and hospital expenses up to a maximum of \$250. As submitted to the Department, claimant's medical and hospital expenses amounted to \$584.20. Your committee is recommending that claimant be paid the sum of \$2,000 for her injuries, and \$334.20 for medical expenses, a total of \$2,334.20.

The following communications are appended hereto and made a part of this report.

DEPARTMENT OF AGRICULTURE,
Washington, April 6, 1942.

HON. PRENTISS M. BROWN,
Chairman, Committee on Claims, United States Senate.

DEAR SENATOR BROWN: Reference is made to your request of January 13, 1942, for report on S. 2191, a bill for the relief of Mrs. Clara Wrobliski, Salem, Oreg., in the amount of \$5,584.20. S. 2191 is a companion bill to H. R. 6351 which is for an identical amount.

The claim is on account of personal injuries sustained in an accident July 27, 1941, when an automobile owned by Victor Wrobliski and driven by Mrs. Clara Wrobliski struck a partially open traffic control gate (pole) which had been erected by the Forest Service for the purpose of controlling traffic on the Mary's Peak Road within the Siuslaw National Forest while construction activities were in progress. The gate consisted of a fir pole, light in color, approximately 32 feet long, 8 inches in diameter at the large end, 2 inches in diameter at the small end, balanced on a 9-inch pivot post and held in position by a five-eighths inch iron drift pin. The post on the opposite side of the road was equipped with chain and padlock for fastening the gate pole in the closed position. No provision was made for holding the gate pole in the open position, but the friction was sufficient to prevent easy movement. No work being performed on the road on Sundays, the practice during the summer months was to permit the guard employed by the city of Corvallis, Oreg., for patrolling the Mary's Peak watershed area on week ends to open and close the gate (pole) on these days. On the morning of the accident the gate pole was opened by the watershed guard in the usual manner and careful investigation has failed to disclose how it came to be moved from a fully open position to a partially closed position. At the time of the accident the gate pole was pointing diagonally across the road in the direction from which the claimant's car approached. Mrs. Wrobliski, whose attention apparently was attracted by a sign on the right side of the road, failed to see the gate pole in its partially opened position and drove directly into it, the pole crashing through the windshield and striking her in the face and right eye. According to the evidence, none of the other occupants of the automobile noticed the pole until the accident occurred. The fact that the pole was difficult to see is evidenced by the statement of Mrs. Earl Apt which indicates that the automobile driven by her husband in which she and others were passengers narrowly averted a similar accident a short time previous to the Wrobliski accident.

This accident resulted in the loss of claimant's right eye, other facial injuries, and injury to her left hand, the full extent of which are set forth in the affidavits

attached hereto. None of the other occupants of the automobile was injured in the accident.

Claim for property damage in the amount of \$27.90 submitted by Mr. Victor Wrobliski, husband of the claimant and owner of the automobile driven by Mrs. Clara Wrobliski, was approved by the Department on November 15, 1941, under the act of December 28, 1922 (42 Stat. 1066).

Although no previous difficulty had been encountered in connection with this traffic control gate pole and there is no explanation as to how it came to be partially closed at the time of the accident, it seems clear that the accident resulted from a failure of the Forest Service to make provision for fastening the gate pole safely in a fully open position and that the Government should accept responsibility for the hazardous condition.

Evidence indicates that Mrs. Wrobliski had an automobile accident insurance policy, issued through the Huggins Insurance Co. of Salem, Oreg., which provided for reimbursement for medical and hospital expenses up to a maximum of \$250. It is understood that the insurance company is prepared to reimburse Mrs. Wrobliski in this amount under the terms of the policy after the bills have been paid by Mrs. Wrobliski. Under these circumstances it is the Department's recommendation that the amount of \$5,584.20 as set forth in S. 2191 be reduced by \$250 and claim allowed for the remainder of \$5,334.20.

It is the Department's understanding that the amount claimed is made up of the following items:

Medical and hospital expenses.....	\$584. 20
Permanent partial disability through loss of eye, pain and suffering, loss of earnings, and possible loss of earning power.....	5, 000. 00
Total.....	5, 584. 20

There is attached for the committee's file copies of affidavits and other data pertinent to the case. A report similar to the above is being furnished to the House Committee on Claims with reference to companion bill H. R. 6351.

Sincerely,

GROVER B. HILL,
Assistant Secretary.

[Copy]

CORVALLIS, OREG., August 6, 1941.

INVESTIGATING OFFICER'S ACCIDENT REPORT

On Sunday afternoon, July 27, at about 2 p. m., Clara Wrobliski, accompanied by her husband, her husband's brother and wife, her husband's sister and two minor children, was driving up the newly constructed Mary's Peak forest road in the Wrobliski 1936 Terraplane two-door sedan, when after having traveled on the forest road only about 250 feet from its junction with the Alsea Highway, her car collided with a partially opened traffic-control gate. The gate pole entered the car through the windshield, passed between Mrs. Wrobliski and her husband, who was in the front seat with her, struck the inside of the top of the car well toward the back on the right-hand side, buckled and two pieces broke off of it inside the car. One of the broken ends presumably struck Mrs. Wrobliski in the vicinity of her right eye, cutting her face seriously and damaging her eye to such an extent that vision in it will be lost. First aid was rendered by Foreman Carl Dragoo, who was summoned from the nearby Mary's Peak Civilian Conservation Corps side camp, and Mrs. Wrobliski was transferred to the Corvallis General Hospital by ambulance, where additional first aid was given. She was then taken to the General Hospital in Salem by private car, where the services of a specialist were obtained. Mrs. Wrobliski is still in the Salem hospital and her condition is reported to be satisfactory, though at this time (August 4) she is suffering from shock.

On Sunday afternoon, July 27, at about 2:30 p. m. Civilian Conservation Corps Foreman Carl Dragoo, who was on week-end duty in charge of the Mary's Peak Civilian Conservation Corps camp, called me at home and advised that a serious accident had occurred at the gate on our Mary's Peak road. He said that a lady had sustained a serious eye injury and that he had just dispatched her to the hospital in an ambulance. He stated that the car involved in the

crash had not been moved and requested that some one from the staff came out and make an investigation. Administrative Assistant Campbell and I left Corvallis immediately. Upon arriving at the scene of the accident at approximately 3 p. m., we found that the husband of the injured lady, Victor Wrobliski, of Route No. 2, box 473, Salem, Oreg., his brother, Ray Wrobliski, of 239 Kings Road, Corvallis, Oreg., the latter's wife, and their small child, all of whom were passengers in the car at the time of the accident, were still there. The damaged car had not been moved pending the arrival of a member of the Oregon State Police force, who had been summoned. Mrs. Clara Wrobliski had been accompanied to the hospital by her husband's sister, Mrs. Mary Foss, of 217 Polk Street, Corvallis, the fifth adult passenger in the Wrobliski car, and her minor child.

Mr. Campbell interviewed the three Wrobliski adults and secured statements from them which are attached. He also secured a statement from Civilian Conservation Corps Foreman Carl Dragoo concerning his efforts to bring relief to the injured lady and statements she made to him while he was rendering first aid and pending the arrival of the ambulance. Mr. Dragoo's statement is attached. Names of two disinterested witnesses were secured from Mr. Victor Wrobliski, one, Mrs. Earl Apt, of 1861 May Street, Corvallis, and another, Mr. Wilbur L. Davis, of Newport, Oreg. We were advised that Mrs. Apt stopped at the scene of the accident shortly after it had happened on her return from the top of Mary's Peak, and that Mr. Davis was following along behind the Wrobliski car when the accident occurred, though not near enough to witness its happening.

I took pictures of the damaged car and the gate from several angles, in an effort to provide clarification for this report. These pictures, appropriately labeled, are attached. When State Police Officer Curt Chambers arrived to make his investigation, at about 4 p. m., I assisted him in making measurements upon which to base a sketch of the immediate scene of the accident. He told me his report would be filed with the secretary of state. When the police officer had finished his investigation, by about 4:30 p. m., Mr. Wrobliski moved his car and taking those of his party who remained at the scene of the accident, returned to Corvallis. Mr. Campbell and I returned shortly thereafter. Later in the evening Mr. Campbell called at the Corvallis hospital to ascertain the extent of Mrs. Wrobliski's injury and learned that on the advice of Doctor Kielley, who rendered her first aid, she had been removed to Salem by private car, where the services of an eye specialist are available.

On July 28, Mr. Campbell contacted witness Apt and secured her statement, which is attached. Mr. Davis' statement was requested by mail. Supervisor Kirkpatrick and Assistant Forester Aufderheide visited the scene of the accident on the afternoon of July 28, and made an accurate plane table map of the vicinity, a copy of which is attached.

Witnesses' statements have subsequently been secured from the Corvallis Water Board engineer, Stanley Tripp, from Guy Cook, Work Projects Administration training officer at the Mary's Peak Civilian Conservation Corps side camp, from the injured lady, Mrs. Clara Wrobliski, from witness Davis, and from Dr. Fred H. Thompson, of Salem, Oreg., who has been attending Mrs. Wrobliski. These statements, which in each case indicate the relationship of the witnesses to the accident, are thought to be self-explanatory and will therefore not be summarized in this report.

The Mary's Peak Road has been under construction since July 1938. During the greater part of the time since then a gate has been maintained near the Alsea Highway take-off for the purpose of controlling traffic which would interfere with the construction work and to enable closing the road to all use at night, as a measure to prevent theft of gasoline, tools, and equipment on the job. During the summer of 1940 the original gate was removed in the course of final grading and surfacing of the lower portion of the road. In late September 1940, the gate into which the Wrobliski car crashed was erected. It consisted of a 32½-foot Douglas fir pole, 8 inches in diameter at the large end and 2½ inches in diameter at the small end, balanced on a pivot post 9 inches in diameter and held there with a five-eighth-inch iron drift pin. The anchor post on the opposite side of the road, distant 19 feet from the pivot post, was equipped with a chain and padlock, which secured the gate pole in closed position. No provision was made for fastening the gate in open position.

Since its erection 10 months ago this gate has been closed every evening and opened every morning when the work crew went to and from the job. On week ends during the current summer season it was usually opened and closed morning and night by either Mr. Tripp or Mr. Cook, who on alternate week ends acted as

sanitation or watershed guards for the city of Corvallis. Beginning on July 15, 1941, it became desirable, in order to facilitate the placing of the surfacing on the upper 3-mile stretch of the road, to close it to all public traffic except on Saturdays and Sundays. A news story, stating that the road would be closed on weekdays appeared in the local paper; a temporary sign was prepared and fastened to the gate and it was kept closed continuously on working days. The surfacing job was scheduled to be completed by August 1, 1941, after which time no further traffic control was contemplated, and the gate was to have been removed.

On the day of the accident there was abnormally heavy traffic on the Mary's Peak Road. Late in the afternoon while our investigation was in progress, cars passed at intervals of from 3 to 5 minutes, or at the rate of approximately 15 per hour. Assuming that this frequency was representative, it would appear that some 30 cars safely passed the gate during the interval between the time that Witness Apt found the obstruction in the road and the time she returned immediately following the accident.

A study of the witnesses' statements submitted herewith and my investigation of conditions on the ground, brings out certain unquestioned facts concerning this accident:

1. The car involved was proceeding at moderate speed.
2. The driver was not watching the road at the time of, or immediately preceding, the crash, but was looking at a road information sign on the fence adjacent to the gate, as were the other occupants of the Wrobliski car.
3. The gate was in a partially closed position, the small end of the gate pole pointing in the direction from which the Wrobliski car was approaching and being approximately in the center of the road at the time of the crash.
4. The gate pole, in the above-described position, does not constitute a very noticeable obstacle to one approaching it.
5. There was no provision made to secure the gate pole in its open position parallel with the roadway.

What caused the gate pole to swing partially across the road is a matter of conjecture. The theory that the wind blew it around appears untenable, for the reason that on the day of the accident there was practically no wind, the gate pole in the previous 10 months of its use, during the stormy season of the year, had shown no inclination to blow around, and, though the pole was balanced, its weight on the pivot post created sufficient friction to require the application of 2 or 3 pounds of energy at the center point of its long end to overcome its inertia. Considering that the wind would act on the pole on both ends similarly and in spite of the fact that at the center point of the long end there was a 10- by 20-inch sign, which would have a slight sail effect, I do not believe that the wind moved it. I am inclined rather, to think that some passer-by stopped here to get water before going up the hill, or for some other reason, and children played on the gate, leaving it partially closed. This, too, is only a theory, since no one was seen here on the day of the accident. No reason is known why anyone would have maliciously disturbed the gate.

In conclusion, it seems evident that two principal considerations must be weighed in determining the equities of this case:

1. The traffic control gate maintained by the Government was a potential traffic hazard, in that it was not equipped with a positive locking device to prevent its disturbance when left in an open position.
2. The driver of the private car was not watching the road closely, or she would have seen the gate end and could have brought her car to a stop in time to avoid the accident.

Though on this forest we have, since the first of the calendar year, initiated and conducted a special safety campaign, involving intensified maintenance inspection of all equipment with special reference to safety devices, increased supervision of the Civilian Conservation Corps safety program, provided special safety training for forest guards and have admonished all men in supervisory positions to give special attention to the safety aspects of any work job encountered on the forest, whether that job is their responsibility or not, the inherent traffic hazard involved in the maintenance of the gate, into which the Wrobliski car crashed, did not occur to any one. Since the accident, this gate and two others of similar construction have been removed. The circumstances surrounding this accident have been pointed out to all supervisory officers on the Forest, with specific instructions to keep on the alert to observe and immediately remove or correct any structures existing on forest roads which may conceivably contribute to the recurrence of an accident such as this.

My observation at the scene of the accident convinces me that the damage to the Wrobliski car was confined to (1) a broken left windshield, (2) the top dented on the right side toward the rear of the car and (3) the top upholstery torn. A claim will unquestionably be submitted under the negligence act for reimbursement of the cost of repairing the damage. It is expected also that an effort will be made to secure the passage of a special relief act in Congress to cover the personal-injury phase of this case. No collision insurance was carried on the Wrobliski car. Mrs. Wrobliski carried no personal accident insurance.

No disciplinary action is recommended.

Though the determination of the validity of any claim, which may arise from the accident, is not within my province, I have attempted to assemble all of the pertinent data and present it in sufficient detail to enable one not familiar with the case to review it intelligently and form an unbiased opinion of the relative responsibilities of the parties at interest.

DAHL J. KIRKPATRICK,
Forest Supervisor.

STATEMENT

I, Mrs. Earl Apt, 1861 May St., Corvallis, Oreg., certify as follows:

On July 27, 1941, in company with a party of relatives I made a trip to the summit of Mary's Peak. My husband was driving the car and I rode in the front seat. When we came to the pole gate just after leaving the Alsea Highway on our way up at about noon we found the gate pole extending at an angle across the road, or rather into the road. As we approached it my husband did not see the pole, the point of which was pointing at the windshield. I saw it and shouted to him, and he stopped the car so abruptly that the small boy in the back seat was thrown forward against the front seat and cut his lip. The car windshield was stopped about a foot from the end of the pole. We backed up, swung around the end of the pole, and went on the summit. The pole was of a light color and was at such an angle that not much more than the point was visible clearly as we approached it. Upon our return from the summit at about 2 p. m., we found the Wrobliski car and Mrs. Wrobliski at the gate, the accident having taken place a few moments before. I did not see the accident to Mrs. Wrobliski.

MRS. EARL APT.

CORVALLIS, OREG., *July 29, 1941.*

UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE,

Siuslaw National Forest, Corvallis, Oreg., February 19, 1942.

REGIONAL FISCAL AGENT,
Portland, Oreg.

DEAR SIR: Your letter of February 12 is received.

Victor and Clara Wrobliski migrated several years ago to Oregon from the Middle West where they had occupied a farm. After arrival they secured a small tract of land from which, supplemented by work in the fruit and vegetable canning industry, they have since obtained a livelihood. Aside from some waiting on tables in restaurants, Mrs. Wrobliski has been employed entirely in the canning industry. For the past 4 or 5 years she has been engaged as a seasonal worker in the cannery of Reid, Murdoch & Co., of Salem, Oreg., and was so employed at the time of her accident. Wages at that time were 47½ cents per hour for a 48-hour week. The season lasts from 6 to 8 months. Monthly earnings are about \$100. Mrs. Wrobliski is reported as one of the older, more reliable workers, who was employed for the entire season. The work consisted of manual labor in preparing various kinds of fruits and vegetables for canning. She has had no earning capacity during her disability and has done no outside work since the accident.

Mrs. Wrobliski is now 47 years of age, and the couple have no children or other dependents. They have no income other than their earnings. Recently they sold their land for about \$1,600, on a \$100 deposit and payments of \$15 per month and are now living in a trailer house. They are reported as reliable, law-abiding working people.

The character of the injuries suffered by Mrs. Wrobliski and her condition are described in detail in affidavits No. 5 (Dr. Thompson) and No. 6 (Dr. Fortmiller), dated December 10, 1941, which accompanied the claim and are now in the record. There has been no change since that time. Dr. Thompson states that the remaining good eye has not been fully functioning; that in his opinion it will strengthen with use; that Mrs. Wrobliski can hardly expect to continuously do exacting work, such as book work or needle work, but would likely later on be able to do work in the cannery fairly well. The disability is the permanent loss of the right eye and, at present, a stiffening of the little finger of the left hand.

A complete itemized statement of all expenses in connection with this injury is attached to the claim as exhibit A and is a part of the record. There is nothing further to add. An affidavit is also attached to the claim, executed by Attorney Piasecki, stating that he has personally investigated these bills, attests to their correctness, and that none have been paid. A check now made with creditors confirms these affidavits, and the bills appear entirely reasonable.

Mrs. Wrobliski was covered by a motor accident insurance policy, secured through the Huggins Insurance Co. of Salem, Oreg., which provided that in case of an automobile accident she would be reimbursed for medical and hospital expenses up to a maximum amount of \$250. The insurance company is prepared to comply with the terms of the policy, but since no bills have been paid by Mrs. Wrobliski they cannot reimburse her and desire to pay the creditors direct. This matter has not been adjusted but the sum of \$250 is available to apply on the medical and hospital bills.

Mrs. Wrobliski was interviewed on February 18, 1942. She has an artificial eye and also wears glasses. A very excellent job of repairing facial injuries has been accomplished. There is no disfigurement of consequence but the presence of the artificial eye is apparent. A twitching of the lids of the left (uninjured) eye is quite noticeable. The little finger of the left hand can be bent nearly to the palm. Mrs. Wrobliski states that she is unable to thread a needle, read steadily, or do close work, and that the clearness of her vision varies considerably. She cited no injuries resultant from the accident other than the hand and eye, and in general, appeared normal, except for nervousness. This is quite marked at times and the representative of the insurance company stated that when in his office a short time ago she was inclined to be hysterical.

This claim is in the amount of \$5,584.20, of which sum \$584.20 is for expenses already incurred and an anticipated expenditure for an operation on the hand, set forth in exhibit A attached to the claim. The balance of \$5,000 remaining is to cover loss of earnings, possible loss of earning power, permanent partial disability through loss of eye, pain and suffering. Inquiry developed that this sum was suggested after consultation with attorneys and insurance men familiar with adjustments of this kind and represents what it was believed would be a reasonable and customary payment under the circumstances. Mrs. Wrobliski is unquestionably entitled to some compensation. She has, I believe, encountered an abnormal amount of pain and suffering, is still nervously upset, has been subjected to the permanent loss of one eye, with curtailment and possible loss of earning power. All pertinent facts appear fully set forth in the claim now in the hands of the committee, supplemented by this report, and in view of our inexperience and lack of any proven basis upon which to form a comparative judgment, I feel that the matter of how much this compensation may be can best be left to the Congress, where numerous settlements in similar cases have already been made.

Very truly yours,

DAHL J. KIRKPATRICK,
Forest Supervisor.

P. S. Enclosed herewith you will find two copies of the claim referred to in the last paragraph of page 2 of this letter.

D. J. K.

AFFIDAVIT No. 1

STATE OF OREGON,
County of Marion, ss:

I, Clara Wrobliski, being first duly sworn, on oath depose and say:

That on July 27, 1941, at about 1 o'clock p. m., I left Corvallis, Oreg., on a trip to the summit of Mary's Peak in the Siuslaw National Forest. The party consisted of myself, my husband, Victor Wrobliski, Ray Wrobliski, and Nada Wrobliski, his wife, and their 3½-year old boy, and Mary Foss and her 5½-year old

girl. We were traveling in the car owned by Victor Wrobliski, a Terraplane sedan, license No. 63-941. I was driving said car.

About 12 miles from Corvallis I turned the car on to the road up Mary's Peak. Here I shifted the car into intermediate gear, and after stopping to look for direction signs, proceeded on up the road. At about 100 yards from where I turned off the Alsea Highway there was a gate on the Mary's Peak road formed by a pole balanced on a post. This pole was swung across the road when the gate was closed and placed parallel to the road when the gate was open. There was a sign at this point on the righthand side of the road stating that the gate was closed at certain hours. As we approached the gate I saw the sign and was reading it when there was a crash and the end of the pole came through the windshield striking me in the face and right eye. I did not see the pole before the accident as I had never been over this road before. At the time of the collision I was driving about 15 miles per hour as I had just shifted to second gear, and was well over on the right-hand side of the road. I immediately stopped the car and shut off the motor. None of the other occupants of the car were seriously injured. The other occupants of the car helped me out of the car and across the road and we got help from the Civilian Conservation Corps camp until the ambulance arrived, taking me to the Corvallis General Hospital, later taking me to the Salem General Hospital.

CLARA WROBLISKI.

Subscribed and sworn to before me this 20th day of November 1941.

[SEAL]

ROSE A. MORGALI,
Notary Public for Oregon.

My commission expires May 14, 1941.

AFFIDAVIT No. 2

STATE OF OREGON,

County of Marion, ss:

I, Victor Wrobliski, being first duly sworn, on oath depose and say:

That on July 27, 1941, at about 1 o'clock p. m., I left Corvallis, Oreg., on a trip to the summit of Mary's Peak on the Siuslaw National Forest. The party consisted of myself, my wife, Clara Wrobliski, Ray Wrobliski, and Nada Wrobliski, his wife, and their 3½-year old boy, and Mary Foss and her 5½-year old girl. We were traveling in my car, a Terraplane sedan, license No. 63-941, and Mrs. Clara Wrobliski was driving. I was with her in the front seat.

About 12 miles from Corvallis Mrs. Clara Wrobliski turned on to the road up Mary's Peak. Here Mrs. Wrobliski shifted into intermediate gear, and after stopping to look for direction signs proceeded on up the road. At about 100 yards from where we turned off the Alsea Highway there was a gate on the Mary's Peak road formed by a pole balanced on a post. This pole was swung across the road when the gate was closed and placed parallel to the road when the gate was open. There was a sign at this point on the right-hand side of the road stating that the gate was closed at certain hours. As we approached the gate I saw the sign and was reading it when there was a crash and the end of the gate pole came through the windshield striking Mrs. Wrobliski in the face. I did not see the pole before the accident. I had never been over the road before.

At the time for the collision the car was going about 15 miles per hour, and was well over on the right-hand side of the road. The car stopped almost immediately. The pole had broken and two pieces were lodged in the car. The windshield of the car was broken and the top damaged. Mrs. Clara Wrobliski was severely injured, given first aid and then taken to the Salem General Hospital.

VICTOR WROBLISKI.

Subscribed and sworn to before me this 1st day of December 1941.

[SEAL]

ROSE A. MORGALI,
Notary Public for Oregon.

My commission expires May 14, 1945.

AFFIDAVIT No. 3

STATE OF OREGON,

County of Marion, ss:

I, Mary Foss, being first duly sworn, on oath depose and say:

That on July 27, 1941, at about 1 o'clock p. m., I left Corvallis, Oreg., on a trip to the summit of Mary's Peak on the Siuslaw National Forest. The party consisted of myself, Ray Wrobliski and Nada Wrobliski, his wife, and their 3½-year-old boy, Victor Wrobliski, and Clara Wrobliski, his wife, and my 5½-year-old girl. We were traveling in the car of Victor Wrobliski, a Terraplane sedan, license No. 63-941, and Mrs. Clara Wrobliski was driving. I was in the back seat of the car.

About 12 miles from Corvallis, Mrs. Clara Wrobliski turned on to the road up Mary's Peak. Here Mrs. Wrobliski shifted into intermediate gear, and after stopping to look for direction signs, proceeded on up the road. At about 100 yards from where Mrs. Wrobliski turned off the Alsea Highway there was a gate on the Mary's Peak Road formed by a pole balanced on a post. This pole was swung across the road when the gate was closed and placed parallel to the road when the gate was open. There was a sign at this point on the right-hand side of the road stating that the gate was closed at certain hours. As we approached the gate I saw this sign and was reading it when there was a crash and the end of the gate pole came through the windshield striking Mrs. Clara Wrobliski in the face. I did not see the pole before the accident. I had never been over the road before.

At the time of the collision the car was going about 15 miles per hour, and was well over on the right-hand side of the road. The car stopped almost immediately. The pole had broken and two pieces were lodged in the car. The windshield of the car was broken and the top damaged. Mrs. Clara Wrobliski was severely injured, given first aid, and then taken to the Salem General Hospital.

Mrs. LESTER (MARY) FOSS.

Subscribed and sworn to before me this 1st day of December 1941.

[SEAL]

ROSE A. MORGALI,
Notary Public for Oregon.

My commission expires May 14, 1945.

AFFIDAVIT No. 4

STATE OF OREGON,

County of Marion, ss:

I, Ray Wrobliski, and Nada Wrobliski, each for himself and for herself, being first duly sworn, on oath depose and say:

That on July 27, 1941, at about 1 o'clock p. m., I left Corvallis, Oreg., on a trip to the summit of Mary's Peak on the Siuslaw National Forest. The party consisted of myself, Victor Wrobliski, Mrs. Clara Wrobliski, my 3½-year-old boy, and Mrs. Mary Foss and her 5½-year-old girl. We were traveling in the car of Victor Wrobliski, a Terraplane sedan, license No. 63-941, and Mrs. Clara Wrobliski was driving. I was in the back seat of the car.

About 12 miles from Corvallis, Mrs. Wrobliski turned on to the road up Mary's Peak. Here Mrs. Wrobliski shifted into intermediate gear, and after stopping to look for any direction signs, proceeded on up the road. At about 100 yards from where Mrs. Wrobliski turned off the Alsea Highway there was a gate on the Mary's Peak Road formed by a pole balanced on a post. This pole was swung across the road when the gate was closed and placed parallel to the road when the gate was open. There was a sign at this point on the right-hand side of the road stating that the gate was closed at certain hours. As we approached the gate I saw the sign and was reading it when there was a crash and the end of the gate pole came through the windshield striking Mrs. Clara Wrobliski in the face. I did not see the pole before the accident. I had never been over the road before.

At the time of the collision the car was going about 15 miles per hour, and was well over on the right-hand side of the road. The car stopped almost immediately. The pole had broken and two pieces were lodged in the car. The wind-

shield of the car was broken and the top damaged. Mrs. Clara Wrobliski was severely injured, given first aid, and then taken to the Salem General Hospital.

NADA WROBLISKI,
RAY WROBLISKI.

Subscribed and sworn to before me this 1st day of December 1941.

ROSE A. MORGALI,
Notary Public for Oregon.

My commission expires May 14, 1945.

AFFIDAVIT No. 5

STATE OF OREGON,

County of Marion, ss:

I, Dr. W. N. Thompson, M. D., of the clinic of Drs. Findley, Clement, Baul and Thompson, being first duly sworn, depose and say:

That I am now, and have been during all the dates and times hereinafter mentioned, a duly licensed and practicing physician and surgeon in the city of Salem, State of Oregon.

That on the 27th day of July 1941 I was called to visit Mrs. Clara Wrobliski at the Salem General Hospital where she had been brought after an automobile accident which had occurred on the same day on a mountain road near Mary's Peak, wherein a pole ran through the windshield, which hit her in the right eye.

The patient had the right upper lid severed completely through from the conjunctival surface to the skin in two places; one coming to the lid margin at about the middle of the middle third and the other at the lid edge to the lateral part of the inner third of the upper lid. The lower lid was completely cut through in the middle third and the laceration extended down over the maxilla to below the infraorbital foramen. The laceration was Z-shaped and extended to the bone. The cornea was lacerated completely through its thickness from 9 to 3 o'clock. There was no anterior chamber present. The lens was ruptured and dislocated and the iris was torn and covered with blood. Some foreign object had penetrated beneath the globe of the eye back into the orbit about 1 inch. There was no loss of vitreous.

I cleaned the wound, sutured the conjunctival surface of the upper lids and then closed the skin surface of the two lacerations with separate silk sutures. Then the tear beneath the eye in the lower cul-de-sac was sutured. The skin was then approximated and sutured. Altogether I used approximately 35 sutures. The corneal wound was approximated and the eye bandaged. Functionally the eye was hopelessly lost but the globe was not removed for I thought perhaps we might be able to save it and although she would have no sight, it would be a better cosmetic result than an artificial eye. This took about 2 hours to do in the hospital surgery. She also complained of some pain in her left hand and chest, and Dr. E. V. Fortmiller was the physician and surgeon who took care of these items.

She was kept in the hospital and seen daily until August 6, 1941. On that day she was discharged to go home. She was seen in my office on August 9, 11, 14, and 16. After consultation with Dr. L. O. Clement we decided we had better remove the eye because of intraocular hemorrhage; there was a totally blind and painful eye and it was evident that an artificial eye would be better and there would be no danger of sympathetic ophthalmia.

With the assistance of Dr. Clement the eye was removed on August 18, and glass sphere put into Tenan's capsule. She was discharged from the hospital on August 21, 1941. All sutures were removed August 27, 1941. On August 29, 1941, the implanted glass ball presented in the world and was removed in the office. The orbital tissue healed rapidly.

On September 4, I refracted the left eye and gave her a glass on September 10. Vision 20/25 left eye—corrected, and 20/100 with no glass. She stated that the left eye had always been her poor eye and that she did her close work only with the right eye previous to the accident.

I gave her an artificial right eye on September 8, 1941. She had developed some contraction due to scar tissue in the lower lid and needed some plastic work done to let the artificial eye fit properly in place for the best cosmetic appearance. I sent her to Dr. Gurney in Portland, Oreg., and he told her to fix the lower lid it would be \$250, and more for anything that was to be done to the upper lid. On

returning the patient said she just could not afford to have this done and asked if I could operate and help her out on this plastic work.

On October 1, 1941, I sent her to the hospital again and put in the glass ball that came out on August 29. She remained there until October 3, 1941. This healed over quickly and stayed in place. On November 13, 1941, she again entered the hospital and I did this plastic work on the lower and upper lids. She was discharged on November 14, 1941. On December 1, she was given a temporary artificial eye. The permanent eye will be given in about another week.

Besides the daily attention at the hospital I have seen her in the office the following dates:

August 9, 11, 14, 16, 23, 25, 27, 30, 1941.

September 4, 6, 8, 10, 12, 13, 18, 26, 29, 1941.

October 4, 6, 8, 10, 13, 17, 22, 24, 27, 30, 1941.

November 7, 10, 15, 18, 24, 27, 1941.

December 1, 3, 6, 1941.

Prognosis: This lady has lost an eye and has considerable scarring about the right eye from the accident. She will probably have some numbness about the lids which may be permanent, and she will have to wear an artificial eye the rest of her life, and regardless of how perfect it is, an artificial eye cannot give the exact movements and appearance of a normal eye. The accident has upset this lady's nervous system quite markedly. She has been very nervous and irritable and at times quite despondent. She has not been able to sleep well since the accident she claims.

W. N. THOMPSON, M. D.

Subscribed and sworn to before me this 10th day of December 1941.

[SEAL]

J. ALLEN,

Notary Public for Oregon.

My commission expires November 16, 1942.

AFFIDAVIT No. 6

STATE OF OREGON,

County of Marion, ss:

I, Dr. E. V. Fortmiller, M. D., being first duly sworn, depose and say:

That I am now, and have been during all the dates and times hereinafter mentioned, a duly licensed and practicing physician and surgeon in the city of Salem, State of Oregon.

That I first saw Mrs. Clara Wrobliski on August 5, 1941, in consultation with Dr. W. N. Thompson, because of complaint of pain in the chest. Examination of the chest showed nothing of note except for some tenderness and X-ray showed no evidence of bony injury.

That at that time she complained of distress in the left hand, and examination showed some discoloration of the fifth metacarpophalangeal joint. There was no apparent displacement or crepitus. The condition was considerably improved.

That Mrs. Wrobliski came to the office on September 2, 1941, complaining of continued pain in the left hand, in the region of the fifth metacarpophalangeal joint. She stated that the distress in the chest had markedly improved. Examination of the hand showed slight swelling between the heads of the fourth and fifth metacarpal bones with marked tenderness in this area.

The X-ray of the hand at that time showed a chip fracture of the radial side of the proximal phalanx of the fifth finger near the metacarpophalangeal joint with the fragment turned at right angles to the phalanx and extended into the tissue between the fourth and fifth metacarpophalangeal joints.

That she returned to the office on October 20, 1941, and stated at that time that the hand had improved somewhat but was still very sore and caused marked distress at intervals. At that time, she was advised to wait to see whether or not there would be further improvement of the condition of the hand.

That she again came to the office on November 28, still complaining of distress in the hand although not as much as on her last examination. X-ray at that time showed the fragment of bone in about the same position as when first X-rayed, though the fragment appeared to be attached to the phalanx of the little finger.

That she was last seen on December 1. She states there is still considerable distress in the hand. Examination shows that there is considerable tenderness between the fourth and fifth metacarpophalangeal joints. I believe that she will continue to have distress in the hand until the bone fragment is removed.

surgically. That the approximate cost of such an operation would be \$75 for the operation, and from \$50 to \$75 for the use of surgery, anesthetic, etc.

E. V. FORTMILLER, M. D.

Subscribed and sworn to before me this 10th day of December 1941.

[SEAL]

MARTHA KANKO,
Notary Public for Oregon.

My commission expires September 15, 1945.

BILLS

1. City Ambulance Service, Corvallis, Oreg.:		
July 27, 1941. Ambulance service for Mrs. Clara Wrobliski from Marys Peak Road junction to Corvallis General Hospital----	\$12. 00	
2. Corvallis General Hospital, Corvallis, Oreg.:		
Hospital services rendered July 27, 1941:		
Minor surgery-----	\$2. 50	
Telephone, Salem-----	. 25	
		2. 75
3. Salem General Hospital, Salem, Oreg.:		
1941		
July 27 to 31. 4 days in room No. 308, at \$3.50 per day--	\$14. 00	
July 31 to Aug. 6. 6 days in room No. 308 at \$3.50 per day-----	21. 00	
Operating room-----	3. 50	
Laboratory-----	3. 50	
X-ray-----	7. 50	
Surgical supplies-----	. 81	
Drugs-----	1. 34	
		51. 65
Aug. 17 to 21. 4 days in room No. 306, at \$3.50 per day--	14. 00	
Operating room-----	7. 50	
Anesthetic-----	7. 50	
Laboratory-----	3. 50	
Surgical supplies-----	. 10	
Drugs-----	. 41	
		33. 01
Oct. 1 to 3. 2 days in room No. 307, at \$3.50 per day--	7. 00	
Operating room-----	10. 00	
Anesthetic-----	15. 00	
Laboratory-----	1. 00	
Drugs-----	. 26	
		33. 26
Nov. 13 to 14. 1 day in room No. 306, at \$3.50 per day--	3. 50	
Operating room-----	5. 00	
Anesthetic-----	10. 00	
Laboratory-----	3. 50	
Surgical supplies-----	. 23	
Drugs-----	. 30	
		22. 63
		140. 45

4. Dr. E. V. Fortmiller, Salem, Oreg.:

1941		
Aug. 8.	Consultation and examination	\$5. 00
Sept. 9.	Office call and examination	1. 50
	X-ray	4. 00
Oct. 20.	Office call and examination	1. 50
Nov. 28.	Office call and examination	1. 50
Nov. 28.	X-ray	4. 00
Dec. 1.	Office call and examination	1. 50
		<hr/> \$19. 00

5. Dr. W. N. Thompson, Salem, Oreg.:

1941		
July 27.	Suturing lids	75. 00
Aug. 18.	Enucleation right eye	75. 00
Sept. 8.	Colored numount glasses	25. 00
Sept. 15.	Colored bifocal lens	11. 50
Nov. 13.	Plastic operation	63. 50
Dec. 1.	Artificial eye	10. 00
		<hr/> 260. 00

6. Anticipated expense in connection with claimant's left hand:

Approximate cost of operation	75. 00
Hospitalization and anesthetic	\$50.00 to 75. 00

Approximate total

150. 00

SUMMARY

City ambulance service	\$12. 00
Corvallis General Hospital	2. 75
Salem General Hospital	140. 45
Dr. E. V. Fortmiller	19. 00
Dr. W. N. Thompson	260. 00
Approximate cost in connection with left hand injury	150. 00
Total	<hr/> 584. 20



